THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20743 of 2006

Dated:09.11.2006

Between
Mortha Appayamma

.....Petitioner

and

1.Joint Collector (CS)
East Godavari District,
Kakinada and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20743 of 2006

ORDER:

It appears that authorization of the petitioner for the fair price shop No.8 of Surapurajupeta Village, Kotanandur Mandal, East Godavri District, was suspended by the 2nd respondent on 20.7.2006. After conclusion of the proceedings under Section 6-A of the Essential Commodities Act, 1955, the authorization of the petitioner has been restored on 4.9.2006.

Under the impugned proceedings, the 3rd respondent-Mandal Revenue Officer, Kotananduru, was directed by the 1st respondent- Joint Collector, Kakinada, to hand over the stocks, which were allotted to the petitioner for distribution among card holders, to the impleaded party- 4th respondent

herein.

While admitting the writ petition, on 29.09.2006 interim order was granted by this Court suspending the impugned proceedings.

Now, a vacate stay petition is filed by the 4th respondent- impleaded party, in whose favour the 1st respondent directed the 3rd respondent to hand over the commodities, alleging that the Sarpanch and MPTC have made certain allegations against the petitioner. Under those circumstances, the impugned order was passed. Therefore, the same is neither illegal nor arbitrary and the interim order granted on 29.9.2006 is liable to be vacated.

Prima facie, I am of the opinion that the Sarpanch and MPTC might have filed some complaints against the petitioner before the 3rd respondent-Mandal Revenue Officer, who in turn, transmitted and reported the same to the 1st respondent. Therefore, unless and until a regular enquiry as contemplated under the Control Orders is taken up, the impugned proceedings could not

have been passed by the 3rd respondent.

For all the above reasons, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed, leaving liberty to the respondent-authorities to conduct a detailed enquiry into the matter, as per law, after putting all the parties on notice and hearing them. No costs.

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09-11-2006

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